REMARKS/ARGUMENTS

35 USC § 112, first paragraph

Claims 1-6, and 17-18 were rejected under 35 USC § 112, first paragraph, as including new matter. More specifically, the office argued that the applicant failed to describe a kit in which an antibody and an instruction is included. The applicant agrees in some respect and disagrees in others.

Nevertheless, claim 1 was amended to recite a "... binding molecule bound to human glypican-1 protein or mRNA encoding glypican-1 of a cell..." for which ample support can be found in the examples and particularly the Figures. Amended claim 1 further expressly requires an "... an interpretive article associated with the binding molecule that provides information that overexpression of glypican-1 in a tissue as compared to a corresponding healthy tissue as evidenced by binding of the binding molecule to a cell is indicative of a human cancer..." Again, support for this element is specifically given in the Figure legends and the corresponding experimental description.

Similarly, claim 5 was amended to recite a "...therapeutic agent at a concentration effective to slow growth of human cancer cells identified to overexpress glypican-1 in a tissue as compared to a corresponding healthy tissue, wherein the agent comprises a molecule selected from the group consisting of a nucleic acid that hybridizes with mRNA encoding glypican-1, an antibody, and an antibody fragment..." Such elements are clearly provided in the experimental section. Amened claim 5 further expressly requires "... an interpretive article associated with the therapeutic agent an instruction that provides information that binding of the binding molecule to the cancer cells slows growth of the cancer cells that overexpress glypican-1..." Once more, support is found in the experimental section, the figure legens, and corresponding description.

Therefore, and at least for these reasons, claims 1-6, and 17-18 should not be rejected under 35 USC § 112, first paragraph.

35 USC § 112, second paragraph

Claims 2-4, 6 were rejected under 35 USC § 112, second paragraph, as being indefinite for lack of antecedent basis. The applicant agrees and amended the claims accordingly.

35 USC § 102 (b)

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by Birembaut et al. (Journal of Pathology 145: 283-296 (1985)). The applicant disagrees, especially in view of the amendments herein. Among other things, Birembaut et al. fail to teach an interpretive article with the specific information as presently claimed. With respect to Birembaut's issue of loss of arrangement of the basement membrane, the same arguments as provided earlier apply. As not all of the elements are present in the reference, the rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by Karthikeyan et al. as evidenced by Kleeff. It remains undisputed by the applicant that Karthikeyan teaches rat anti-glypican-1 antibodies and that Kleef teaches that the rat anti-glypican-1 antibody also recognizes human glypican-1. However, the instant claims require an interpretive article with the specific information that cannot be ignored. Again, as not all of the elements are present in the reference, the rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by Ivins et al. as evidenced by Kleeff. Once more, it is undisputed by the applicant that Ivins teaches rat anti-glypican-1 antibodies and that Kleef teaches that the rat anti-glypican-1 antibody also recognizes human glypican-1. Once more, the instant claims require an interpretive article with the specific information that cannot be ignored. Therefore, as not all of the elements are present in the reference, the rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by Liang et al. as evidenced by Kleeff. Again, it is undisputed by the applicant that Liang teaches rat anti-glypican-1 antibodies and that Kleef teaches that the rat anti-glypican-1 antibody also recognize human glypican-1. However, the instant claims require an interpretive article with the specific

information that cannot be ignored. Therefore, as not all of the elements are present in the reference, the rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by Litwack et al. as evidenced by Kleeff. It is again undisputed by the applicant that Litwack teaches rat anti-glypican-1 antibodies and that Kleef teaches that the rat anti-glypican-1 antibody also recognizes human glypican-1. Nevcertheless, the instant claims require an interpretive article with the specific information that cannot be ignored. Therefore, as not all of the elements are present in the reference, the rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by Liu et al. as evidenced by Kleeff. Once more, it is undisputed by the applicant that Liu teaches rat anti-glypican-1 antibodies and that Kleef teaches that the rat anti-glypican-1 antibody also recognizes human glypican-1. Again, the instant claims require an interpretive article with the specific information that cannot be ignored. Therefore, as not all of the elements are present in the reference, the rejection should be withdrawn.

35 USC § 103

Claims 1-6, 17 and 18 were rejected under 35 USC § 103 as being obvious over (1) Karthikeyan et al. as evidenced by Kleef in view Birembaut et al., (2) Ivins et al. as evidenced by Kleef in view Birembaut et al., (3) Liang et al. as evidenced by Kleef in view Birembaut et al., (4) Litwack et al. as evidenced by Kleef in view Birembaut et al., and (5) Liu et al. as evidenced by Kleef in view Birembaut et al., The applicant respectfully disagrees, especially in view of the amendments herein.

With respect to the combination of Karthikeyan et al. and Kleef, Ivins et al. and Kleef, , Liang et al. and Kleef, Litwack et al. and Kleef, and Liu et al. and Kleef, , the same arguments as provided in the respective sections above apply. Furthermore, with respect to Birembaut's teaching of HSP components, the applicant refers to the fact that Birembaut et al. teach presence of HSP in healthy cells, and as such teaches against the claimed subject matter. Thus, Birembaut et al. fail to remedy such defects, and the combination of the cited references does not render the claims obvious.

REQUEST FOR ALLOWANCE

Claims 1-6 and 17-18 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,

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